

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JUAN LUNA DOMINGUEZ and MARLON JOSE GRANADOS, individually and on behalf of all other persons similarly situated who were employed by GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL and/or any other entities affiliated with or controlled by GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL,

Plaintiffs,

-against-

GALAXY RECYCLING INC., JOSEPH SMENTKOWSKI, INC. d/b/a GALAXY CARTING and/or SMENTKOWSKI GARBAGE REMOVAL, and GARY GIORDANO, individually,

Defendants.

**No.: 12-cv-7521 (LDW)**

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that upon the annexed Declaration of Jack Newhouse, sworn to on April 24, 2017, and all exhibits attached thereto, along with the memorandum of law in support, the undersigned will respectfully move this Court, at the United States Courthouse for the District of New Jersey, located at 50 Walnut Street, Newark, NJ 07101, before the Honorable Leda D. Wettre on April 26, 2017 at 10:00 a.m., for Plaintiffs' unopposed motion for an Order to (1) approve the settlement as fair, reasonable, and adequate for both Rule 23 Class Members and FLSA Collective Members, (2) bind all Rule 23 Class Members who have not timely opted out to the Released State Law Claims as set forth in the Stipulation, (3) award Class Counsel attorneys' fees and costs in the amount equal to \$450,000.00, (4) award service award to Named Plaintiff Juan Luna Dominguez, and (5) dismiss the litigation (i) with prejudice as against Defendant Joseph Smentkowski, Inc. d/b/a Galaxy Carting and/or Smentkowski Garbage Removal, (ii) without

prejudice against Defendant Galaxy Recycling, Inc., and (iii) without prejudice against Gary Giordano pending the full payment of the Final Settlement Amount.

Dated: New York, New York  
April 24, 2017

Respectfully submitted,

VIRGINIA & AMBINDER, LLP

/s/ Jack L. Newhouse, Esq.

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*Attorneys for Plaintiffs and the Settlement Class*